

9 KAR 1:040. Executive agency lobbyist, employer of executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement.

RELATES TO: KRS 11A.201, 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.236, 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221. This administrative regulation establishes the initial registration, financial transactions statements, expenditure statements, termination notice, and enforcement procedure.

Section 1. Definitions. (1) "Agent" means the "executive agency lobbyist" as defined by KRS 11A.201(8).

(2) "Commission" means the Executive Branch Ethics Commission.

(3) "Employer" is defined by KRS 11A.201(3).

(4) "Executive agency decision" is defined by KRS 11A.201(7).

(5) "Executive agency lobbyist" is defined by KRS 11A.201(8).

(6) "Filer" means the executive agency lobbyist, employer of the executive agency lobbyist, or real party in interest.

(7) "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) The initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement EBEC-EAL-201.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or

2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;

2. A lease for office space or equipment;

3. A contract to provide food, clothing, or other consumable products;

4. Any decisions made concerning the matters listed in KRS 11A.201(7)(a) through (f); and

5. Any other subject matter.

Section 3. (1) If a filer submitted the initial registration statement form to the commission, then during the proceeding July 1 through July 30 following the initial registration and each year thereafter, the updated registration form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement as follows:

(a) For the executive agency lobbyist on:

1. The combined form EBEC-EAL-202; or

2. EBEC-EAL-203;

(b) For the employer of the executive agency lobbyist on form EBEC-EAL-204; and

(c) For the real party in interest on form EBEC-EAL-205.

(2) The notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist EBEC-EAL-206.

Section 4. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an Updated Registration Statement on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice, the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within ten (10) days from the date of the order. The commission shall exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance.

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5. Submission. (1) The signature on the statements and forms required by this administrative regulation shall be:

- (a) In blue or black ink; or
- (b) Electronic.

(2) The forms required by this administrative regulation, which are filed with the commission, shall be submitted as follows:

- (a) By hard copy via hand-delivery or U.S. Mail to the Commission's address;
- (b) Electronically by facsimile to (502) 696-5091;
- (c) Electronically by electronic mail to ethicsfiler@ky.gov; or
- (d) Through an online system once established by the commission.

(3) The forms incorporated by reference in this administrative regulation may be reproduced by the executive agency lobbyist, the employer, or real party in interest.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Initial Registration Statement" - EBEC-EAL-201 (Rev. 05/2020);
- (b) "Updated Registration Statement - Executive Agency Lobbyist" - EBEC-EAL-202 (Rev.05/2020);
- (c) "Updated Registration Statement - Employer of Executive Agency Lobbyist" - EBEC-EAL-203 (Rev.05/2020);
- (d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" - EBEC-EAL-204 (Rev.05/2020);

(e) "Updated Registration Statement - Real Party in Interest" - EBEC-EAL-205 (Rev.05/2020);

(f) "Termination Notification as Executive Agency Lobbyist" - EBEC-EAL-206 (Rev.05/2020);
and

(g) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", 9/93.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 868; 1567; eff. 12-6-1993; 21 Ky.R. 3060; 22 Ky.R. 273; 583; eff. 7-26-1995; 25 Ky.R. 1086; 1579; eff. 1-19-1999; 27 Ky.R. 2194; 2679; eff. 4-9-2001; 30 Ky.R. 661; 1193; eff. 12-5-2003; 33 Ky.R. 3031; 3330; eff. 6-1-2007; 43 Ky.R. 392; eff. 10-7-2016; 45 Ky.R. 3440; 46 Ky.R. 405; eff. 9-6-2019; 47 Ky.R. 91; eff. 1-5-2021.)